

H.580

An act relating to conservation easements

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6311 is added to read:

§ 6311. CONSERVATION RIGHTS AND INTERESTS; TAX LIENS

A tax lien shall not affect conservation rights and interests if the tax lien attaches to the subject property under 32 V.S.A. § 5061 subsequent to the recording of the conservation rights and interests in the municipal land records.

Sec. 2. 10 V.S.A. § 823 is amended to read:

§ 823. INTERESTS IN REAL PROPERTY

Conservation and preservation rights and interests shall be deemed to be interests in real property and shall run with the land. A document creating such a right or interest shall be deemed to be a conveyance of real property and shall be recorded under 27 V.S.A. chapter 5. ~~Such a right or interest~~ but shall not be subject to the requirement of filing a notice of claim within the 40-year period as provided in 27 V.S.A. § 603. Such a right or interest shall be enforceable in law or in equity. Any subsequent transfer, mortgage, lease, or other conveyance of the real property or an interest in the real property shall reference the grant of conservation rights and interests in the real property; provided, however, that the failure to include a reference to the grant shall not affect the validity or enforceability of the conservation rights and interests.

Sec. 3. 27 V.S.A. § 604 is amended to read:

§ 604. FAILURE TO FILE NOTICE

(a) This subchapter shall not bar or extinguish any of the following interests, by reason of failure to file the notice provided for in section 605 of this title:

* * *

(8) Any conservation rights or interests or preservation rights or interests created pursuant to 10 V.S.A. ~~chapter~~ chapters 34 and 155.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016.